

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.700 OF 2003
IN
FIRST APPEAL NO.266 OF 2003

Office notes, office
memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 30th August, 2004.

P.C.:

1. There is a contention raised by the Appellant/Applicant in the appeal that there is a breach of terms and conditions of the policy of insurance and at the time of accident, a person who was not having valid driving licence was allowed to drive the vehicle. In spite of raising the said contention, the same is not specifically decided by the Tribunal. The Appeal has been admitted.

2. In so far as the challenge to the quantum of compensation is concerned, prima facie, the compensation awarded by the Tribunal appears to be just and fair. Hence no case is made out for grant of stay. Even if the Appellant-Insurance company succeeds in the appeal, the amount which is paid by the Appellant can be recovered from the insured by the Appellant-insurance company. Deposit of the

compensation amount by the Appellant and withdrawal thereof by the original Claimant will be entirely subject to the final result of the appeal. Subject to the observation made above, the Civil Application is rejected.

Judge.